

Court of Appeals, State of Michigan

ORDER

People of MI v Eric Darnell Scott

Docket No. 308124

LC No. 11-007666-FC

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Michael J. Kelly
Judges


In lieu of granting defendant's delayed application for leave to appeal, this Court orders the matter REMANDED to permit the trial court to perform the ministerial task of amending the presentence investigation report (PSIR). Defendant is entitled to have an accurate PSIR sent to the department of corrections. MCL 771.14(6); *People v Spanke*, 254 Mich App 642, 649; 658 NW2d 504 (2003). The record reflects that the trial court granted defendant's request to change the score of offense variable (OV) 19 to 0 points. Accordingly, defendant's total OV points should have been 75, corresponding to OV level IV, and a guidelines range of 171 to 285, MCL 777.62, and the PSIR should be amended accordingly. Resentencing is not required, however, because defendant was sentenced in accordance with the terms of his plea, which entitled him to a specific guideline range regardless of the actual calculated range. In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 03 2012

Date


Chief Clerk